IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 4293 of 2006

CRIME NO.329/2005 OF TIRURANGADI POLICE STATION

PETITIONER/ACCUSED

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1. JOSHI DAS, S/O.BHASKARAN,
   ARANGATH VEEDU, MUPPILIYAM VILLAGE,
   PULINGJOD, THRISSUR DISTRICT.

2. ANILAN, S/O.RAMAKRISHNAN,
   CHANAPPARAMBIL HOUSE, MUPPILIYAM VILLAGE,
   THRISSUR DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.VIMAL KUMAR.A.V.
SRI.A.S.SABU
SRI.A.G.GIRISH KUMAR

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2006, ALONG WITH BA NO. 4647 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos.4293/06 & 4647/06

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

The petitioners in both the bail applications are one and the same persons. However, the crime and offence alleged against them are different.

2. B.A.No.4293/2006 is preferred by the petitioners, who are accused 1 and 2, in crime No.329/2005 of Tirurangadi Police Station, for the offence punishable under Section 394 IPC. It is alleged that on 23.7.2005 at 8.30 p.m, the accused had followed, the defacto complainant, who was driving a motor cycle, in a Qualis Car, and after knocking the defacto complainant down, the accused had inflicted the stab injury and committed robbery of a bunch of key of the shop of the defacto complainant ,kept with him. Hence, the crime had been registered.

3. The petitioners were arrested in crime No.109/2006 of Kodakara Police Station, for the offence punishable under Section 399 IPC. Therefore, the arrest of the accused 1 and 2, in crime No.329/2005 of Thirurangdi Police Station was recorded on 7.4.2006.

4. The petitioners in B.A.No.4647/2006 are accused 6 and 7, in crime No.120/2005 of Nattukal Police Station. The offence alleged against them is punishable under Section 395 IPC. It is alleged by the prosecution that on 24.6.2005 at about 5.00 a.m, the accused, seven in number, had committed robbery of the defacto complainant and decamped with Rs.3,45,000/-. The arrest of the sixth accused was recorded in crime No.120/2006 on 1.4.2006. The prosecution submits that the arrest of the second petitioner, the seventh accused, is not recorded. The learned Judicial Magistrate of First Class, Mannarkkad, had rejected the application recording that the petitioners are not in judicial custody of that Court, in crime No.120/2005 of Nattukal Police Station, which is partially correct in view of the above submission, by the prosecution.

5. After hearing both sides and considering the materials on record, I grant bail and release the petitioners in B.A.No.4293/2006 and the first petitioner, sixth accused, in B.A.No.4647/2006, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Magistrate, having jurisdiction.

(b). The petitioners shall report before the respective Investigating Officer, once in a week on every Monday, between 10.00 a.m and 11.00 a.m., starting from 28.8.2006, till the final trial and disposal of the cases, by the competent Courts of law.

(c). The petitioners shall not leave the State of Kerala, until the final disposal of the cases.

6. However, the prayer of the second petitioner, the seventh accused, in B.A.No.4647/2006 is rejected, as his arrest is not recorded in crime No.120/2005 of Nattukal police station.

Both the applications are allowed as above.

J.M.JAMES
JUDGE

mrcs